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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,421	01/11/2006	Antonius Adrianus Kalker	NL030808US1	8966
24737	7590	04/20/2011	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			POGMORE, TRAVIS D	
P.O. BOX 3001				
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
			2436	
			NOTIFICATION DATE	DELIVERY MODE
			04/20/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/564,421	KALKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Travis Pogmore	2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 October 2010.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 9,11-13 and 15 is/are allowed.
- 6) Claim(s) 1-3,5-8 and 14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This action is in response to the request for reconsideration filed October 25, 2010.
2. Claims 1-3, 5-9 and 11-15 are currently pending. Claims 2-3, 5-8 and 11-15 have been previously presented. Claims 1 and 9 are amended.
3. Applicant's arguments, with regards to claims 1-3, 5-9 and 11-15, filed October 25, 2010 have been fully considered and are persuasive.

### ***Allowable Subject Matter***

4. Claims 9, 11-13 and 15 are allowable.
5. The following is an examiner's statement of reasons for allowance:
6. Depovere teaches embedding a watermark being, the embedding being controlled by a watermark secret.
7. Conwell teaches calculating and storing a digital fingerprint.
8. Lofgren teaches detecting a watermark and matching digital fingerprints.
9. Claim 9 recites "wherein a response is received from the fingerprint database, the response including a identifier data item from which the watermark secret associated with the matching digital fingerprint can be derived". This limitation in combination with the other recited limitations of claim 1 is not taught or suggested by the prior art of record. Claim 15 recites equivalent limitations.

***Examiner Notes***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections – 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. The phrase "by a function which is computationally hard or infeasible to invert" in claims 1 and 14 is a relative term which renders the claims indefinite. The term "computationally hard or infeasible to invert" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is suggested that a clearly defined limitation, such as "by a function whose inverse is NP-complete" be provided.

Claims 2-3 and 5-8 are rejected under 35 U.S.C. 112, second paragraph as indefinite for at least the reason stated above. Claims 2-3 and 5-8 are dependent on claim 1; however, they do not add any feature or subject matter that would solve any of the indefiniteness deficiencies of claim 1.

***Claim Rejections – 35 USC § 101***

14. Applicant's arguments and respective amendments with respect to the non-statutory subject matter of claims 1 and 9 have been fully considered and are persuasive. The § 101 rejections thereof have been withdrawn.

***Response to Arguments***

15. Applicant's arguments, with regards to claims 1-3, 5-9 and 11-15, filed October 25, 2010 have been fully considered and are persuasive.

***Conclusion***

16. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See MPEP 707.05(c).

U.S. Patent Application Pub No. US 2004/0022444 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis Pogmore whose telephone number is 571-270-7313. The examiner can normally be reached on Monday through Thursday between 9:30 a.m. and 4:00 p.m. eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Travis Pogmore/  
Examiner, Art Unit 2436

/Nasser Moazzami/  
Supervisory Patent Examiner, Art Unit 2436

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